

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16598 of 2006

DATED: 11.09.2006

Between:

K.Devarayalu

petitioner

And

The Chairman and Managing Director,
APSPDCL, Tirupati, Chittoor dist and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 16598 OF 2006

ORAL ORDER:

The petitioner, who is working as Additional Assistant Engineer in the respondent –APSPDCL, has filed this writ petition assailing the order dated 3.8.2006, relieving and implementing the transfer order dated 21.12.2004.

The petitioner was initially appointed as casual labour in Rayachoty Rural Electric Supply Cooperative Society Limited (for short RESCO), and subsequently he was regularized and promoted as Additional Assistant Engineer. In the year 2004, RESCO merged with A.P. Southern Power Distribution Company Limited, and accordingly the petitioner along with other employees was absorbed in APSPDCL. While so, by proceedings dated 21.12.2004 the petitioner was transferred from Rayachoty to Ongole Operations Circle. The petitioner made a representation dated 13.5.2005 requesting to transfer him to Kadapa Operations Circle. However, no action was taken on the said representation and the petitioner was not relieved and he was retained at Rayachoty. Thereafter, with a view to implement the transfer order dated 3.8.2006, the respondents issued the impugned proceedings and relieved him. Questioning the same, the present writ petition is filed.

Learned counsel for petitioner submitted that the transfer orders were issued on 21.12.2004, and since the said orders were not implemented, the petitioner submitted a representation dated 13.5.2005 requesting the respondents to transfer him to Kadapa Operation Circle, but the respondents without passing any orders on the said representation, after lapse of 1½ year from the date of issuing transfer order, and relieving him in the middle of the academic year of his children is illegal and arbitrary. Learned counsel for petitioner submitted that petitioner is ready to join at the transferred place after

completion of the present academic year.

The second respondent though filed counter affidavit denying the allegations made in the writ petition, the learned Standing Counsel for the respondent, however, had given an undertaking that the respondents would not give effect to the impugned transfer order and relieve the petitioner until the expiry of the academic year of the petitioner's children. The petitioner, who agreed for his transfer after the expiry of the academic year of his children, also filed an additional affidavit undertaking to join at the transferred place in terms of transfer order dated 21.12.2004 or at any other place, after the expiry of the academic year of his children.

Though transfer is an incidence of service, and is made keeping in view the administrative exigencies and needs of the organization, but having regard to the agreed stand taken by both the parties, I deem it appropriate to dispose of the writ petition with the following directions:

The third respondent is directed not to implement the transfer order and the impugned relieving order dated 3-8-2006 till the expiry of the academic year of the petitioner's children i.e., upto the end of April, 2007. Thereafter, the respondents are at liberty to either implement the transfer order/relieved order or transfer the petitioner to any other place as per their administrative exigencies and needs.

Accordingly, the writ petition is disposed of. No costs.

N.V.RAMANA,J

DATE: 11.9.2006

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WRIT PETITION NO : 5686 of 2006

DATED: 11.9.2006

